

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

MAR 03 2010

JONATHAN B. BRISTOW,
Plaintiff,

vs.

POTTAWATOMIE COUNTY CLERK,
Defendant.

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Luh DEPUTY

No. CIV-10-43-W

ORDER

On February 17, 2010, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended that the Court dismiss this action without prejudice because plaintiff Jonathan B. Bristow had failed to timely pay the initial partial filing fee of \$11.60 or show good cause for his failure to pay as directed by Magistrate Judge Bacharach on January 15, 2010. See Doc. 5. Bristow was advised of his right to object to the Report and Recommendation.


On March 2, 2010, the Clerk of the Court received payment from Bristow in the amount of \$11.60. See Doc. 9. Under the circumstances, the Court finds dismissal is not warranted at this stage of the proceedings.

Accordingly, the Court

(1) DECLINES to adopt Magistrate Judge Bacharach's Report and Recommendation [Doc. 8] issued on February 17, 2010; and

(2) RE-REFERS this matter to Magistrate Judge Bacharach for further proceedings.

ENTERED this 3rd day of March, 2010.


LEE R. WEST
UNITED STATES DISTRICT JUDGE